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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/040,058
Filing Date	October 26, 2001
First Named Inventor	Alexander Krymski
Group Art Unit	2878
Examiner Name	Not Yet Assigned
Attorney Docket Number	M4065.0835/P835

Total Number of Pages in This Submission

1

ENCLOSURES (check all that apply)

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| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)
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<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
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<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
Response to Election of Species Requirement (2 pages)
Re-submission of Revocation of Power of Attorney
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| <table><tr><td>Remarks</td><td></td></tr></table> | | | Remarks | |
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP Stephen A. Soffen, Reg. No.: 31,063
Signature	
Date	December 1, 2003



Docket No.: M4065.00835/P835
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alexander Krymski, et al.

Application No.: 10/040,058

Confirmation No.: 9431

Filed: October 26, 2001

Art Unit: 2878

For: FRAME SHUTTER FOR CMOS APS

Examiner: Thanh X. Luu

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the election requirement set forth in the Office Action mailed October 31, 2003, Applicant hereby provisionally elects claims 1, 3, 4, 13-15, and 20-22 which are described in the Office Action as belonging to the species of an active pixel sensor having an NMOS frame shutter in a P-well.

The election is made with traverse. Applicant respectfully submits that, given the circumstances of this case, where there is a reasonable number of independent claims it would not be a serious burden to examine all of the claims pending at this time. M.P.E.P. § 803 directs as follows: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits." This directive should be followed in this case.


The Office Action states that "[c]urrently, no claims are generic," and has identified two species of the claimed invention, including "I: an active pixel sensor having an NMOS frame shutter in a P-well (claims 1, 3, 4, 13-15 and 20-22)" and "II: an active pixel sensor having a PMOS frame shutter in an N-well (claims 7, 9, 10, 23, and 24)."

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to all species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

The application is believed to be in immediate form for allowance, therefore an action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

Dated: December 1, 2003

Respectfully submitted,

By 

Stephen A. Soffen

Registration No.: 31,063

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